

COMMONWEALTH OF VIRGINIA

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VIRGINIA HOUSING COMMISSION

Meeting Summary

Housing and Environmental Standards Work Group
General Assembly Building, House Room C
Richmond, Virginia
August, 19, 2008; 10:00 AM

Members Present: Senator John Watkins, Delegate Dan Marshall, Delegate Rosalyn Dance, Delegate Bob Hull, T.K. Somanath, Gary Garczynski, Melanie Thompson, Ed Rhodes, Art Lipscomb, Mark Flynn, Shaun Pharr, Chip Dicks, Neal Rogers, Rick Witt, Schaeffer Oglesby, Bill Shelton, John Catlett, Emory Rodgers, Mike Congleton, Bob Hicks, Mike Toalson, Sandra Winfrey, Jim Messersmith, and Mike Wray.

I. Welcome and Call to Order-Senator John Watkins, Chair

- a. The meeting was called to order at 10:00 AM by Senator Watkins.
- b. Introductions were made by each work group member.

II. SB 766-Demolition of historic structures, cemeteries and graves (Colgan, 2008)

- a. *Jan Cunard, Prince William County Historical Commission*
 - i. Please see power point presentation available online
- b. *Dana Fenton, Prince William County Legislative Liaison*
 - i. Prince William County supports the legislation.
 - ii. **Delegate Marshall**-*Would this legislation be statewide?*
 - iii. The first section would only be applicable to Prince William and Albemarle; County Executive forms of government under section 15.572.1. The last section of the code would add cemeteries to the list of things that could be protected. It would be a local initiative.
 - iv. **Delegate Hull**-*Can you now designate a cemetery as a historic site? And would legislation only create a fine if you destroyed a cemetery?*
 - v. They are not protected right now.
 - vi. *John Lassiter, Planner, Prince William County*-Protection is currently limited, but this legislation would enhance our efforts.
 - vii. **Delegate Hull**-*Referring to lines 15 and 38, building or structure or area. Area is too broad. What would that entail?*
 - viii. Dana Fenton-The term was put in there to apply to cemeteries.

DELEGATE JOHN A. COSGROVE
DELEGATE ROSALYN R. DANCE
DELEGATE ROBERT D. HULL
DELEGATE DANIEL W. MARSHALL, III
DELEGATE TERRIE L. SUIT

SENATOR MAMIE E. LOCKE
SENATOR JOHN C. WATKINS
SENATOR MARY MARGARET WHIPPLE

F. GARY GARCZYNSKI
T. K. SOMANATH
MELANIE S. THOMPSON

- ix. **Mike Toalson**-*His industry would have similar difficulties. If replaced the term "cemetery" for the term "area", then their concerns would go away. Are these cemeteries marked?*
- x. **Senator Watkins**-*Asks that staff draws up the amendments and gets them out to the parties.*
- xi. **Chip Dicks**-*The legislation seems to intent to apply to more of a willful and intentional act of developers. Could language to that effect be put in?*
- xii. Dana Fenton-*We will take a look at that language.*
- xiii. **Senator Watkins**-*It is not unusual to inadvertently come upon a cemetery while building.*
- xiv. **Chip Dicks**-*referring to line 15, who declares the historic districts?*
- xv. Dana Fenton-*It is declared by the local governing body, done with the owner's knowledge.*
- xvi. **Chip Dicks**-*referring to line 22, how is recovery of reasonable cost determined? And, most issues came up in rezoning requests, would a different body be able to create different zoning regulations?*
- xvii. Dana Fenton-*We saw this legislation as extra protection as there are zoning laws that are available.*
- xviii. **Chip Dicks**-*Some of these terms are broad and undefined, would be happy to offer some thoughts.*
- xix. **Shaun Pharr**-*Willful and intentional language is necessary. Do land records reflect if a designated area is historic?*
- xx. John Lassiter-*Cemeteries are mapped and available to the public. Only 56 are currently mapped. Some are missing, but we are trying to get them all mapped.*
- xxi. **Senator Watkins**-*The issues are with ones that aren't on the map and come up inadvertently during construction.*
- xxii. Dana Fenton-*The purpose was a good idea, but work needs to be done on the language and possibly re-work the sections.*
- xxiii. **Senator Watkins**-*There is no concern for land owners that get involved with knowledge. It is the people that you pick up inadvertently that are of concern.*
- xxiv. **Delegate Hull**-*What is the current federal law?*
- xxv. John Lassiter-*Federal law has virtually no impact on this legislation.*
- xxvi. **Chip Dicks**-*What is the cap of the cost for a violation?*
- xxvii. John Lassiter-*There is no cap, only the cost of the recovery.*
- xxviii. **Senator Watkins**-*Be aware that this would be a civil penalty on top of a zoning violation fine as well.*
- xxix. *We will keep this with the Housing Commission so that VHC can make a recommendation on this legislation before the next General Assembly session .*

III. **SB 456-Uniform Statewide Building Code; grading limitations** (Petersen, 2008)

- a. *Senator J. Chap Petersen* (please see letter posted online)
- b. *Mike Toalson, Home Builders Association of Virginia*
 - i. The bill was introduced by Delegates Shannon and Senator Petersen

- ii. For over 20 years the legislature has refused to mandate the building code because of the many complexities for the creation of that code.
- iii. This is not a building code issue, it is a zoning issue.
- iv. This was designed to address existing neighborhoods where there were one story homes, and they are being taken down to build high structures.
- v. The zoning ordinance requires measurement from the ground to the height of the house, but builders were grading so that the measuring point was higher, to allow for a taller house.
- vi. The zoning language is under reconsideration now in northern Virginia, and it is not a building code issue.
- vii. Changing grading limitations in just one locality will destroy continuity in Virginia building codes, but zoning changes can address this problem.
- viii. **Gary Garczynski**-*Comments on northern Virginia actions-agrees legislation is not appropriate.*
- ix. **Delegate Hull**-*Perhaps the commission should hold off and wait for a local response.*
- x. **Karen Harwood**-*Fairfax County did not request this legislation. It was most likely requested by the town of Vienna itself.*
- xi. **Mike Congleton**-*The town of Vienna has its own zoning ordinances, introduced on behalf of the town, not the county. This is a zoning issue and not a building code issue.*
- xii. **Delegate Cosgrove**-*The letter from Senator Petersen clearly says this is a concern of the Town of Vienna. Doesn't creating a severe slope then creates a run off problem on other properties?*
- xiii. **Mike Toalson**-It could create a runoff problem. He has never seen this problem anywhere else.
- xiv. **Delegate Cosgrove**-*This is a large response to a small problem in a specific location.*
- c. **Chip Dicks, Virginia Association of Realtors**
 - i. Many houses that were built in the 1950's and 1960's are being torn down and being replaced with McMansions. These redeveloped areas are not able to handle the new sewer and other requirements of the larger homes. Zoning is the best solution. The town attorney was looking at some of these solutions.
 - ii. **Senator Watkins**-*Staff will inform Senator Petersen that the group is not inclined to move this forward. Perhaps Senator Petersen can come to next meeting if he wants to discuss this matter further.*

IV. Storm Water Run off

- a. **Dave Crawford, President, The Cabell Brand Center**
 - i. Please see the power point presentation available online.
- b. The Virginia Rainwater Harvesting Manual is used nationwide by many engineering experts.
- c. Texas provides tax incentives and rebates for rainwater harvesting.
- d. Georgia is also moving in that direction. Oregon has also recently begun similar legislation.

- e. The price of water is going to go up every year and there is free water everyday which we are losing from rainwater that is not being stored.
- f. There is no sense in flushing toilets and washing cars with drinking water.
- g. **Senator Watkins**-*Local governments are recognizing this and controlling the rainwater for their use. Is there any use legislation that addresses this? Deeds are including statements for land owners to control and own storm and rain water from their property.*
- h. Dave Crawford-Colorado is the only state right now. They are feeding the river and selling it to Nevada and California. If the water is coming off of your roof and you catch it before it hits the ground it is not storm water and you own it. But once it hits the ground it becomes storm water and owned by the state.
- i. **Mike Toalson**-*The new thought about storm water is to slow it down and keep it on sight rather than transporting it to a retention facility. The biggest issue is that state governments don't have the authority to manage it because it is on private property.*
- j. **Delegate Cosgrove**-*This type of retention system would limit run off to our tributaries and streams. Does this have any potential for LEEDS credits?*
- k. Dave Crawford-Yes, it has LEEDS credits potential.
- l. Maintenance costs about \$20 a year, the system itself costs about \$5,000 and will last the life of the house.
- m. Potable water systems are available. The UV light system costs about \$150 a year for maintenance.
- n. Cross Connections are the big issue with the state and national plumbing codes.
- o. These systems will never cross-contaminate.
- p. There was a great National Geographic article about this in February.
- q. Senator Marye's bill from a few years ago also addressed this issue. It provided a tax credit for the installation of a rainwater system.

V. Senator Watkins mentioned that he would like a reporting on Virginia's riparian rights for the next meeting . He thanked all speakers and asked if there were any additional comments from the public; there were no comments.

VI. **The meeting was adjourned at 11:54 AM.**